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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER KWIECINSKI, RYAN D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/785,241

Applicant(s)

CORNELL, BRENT J.

Examiner

RYAN D. KWIECINSKI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 December 2007 has been entered.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 13, 24-28, 31, 35-38, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,793,109 to Noach.

Claim 1:

Noach discloses a jamb assembly comprising:

(a) an elongate jamb having a length (Fig.1), and comprising an inner flange (A, below) having a first proximal edge (B, below) and a first distal edge (C, below), an outer flange (D, below) having a second proximal edge (E, below) and a second distal

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edge (F, below), and a jamb face plate (G, below) extending between said inner flange at the first proximal edge and said outer flange at the second proximal edge, said elongate jamb defining an elongate cavity (hollow opening between the flanges, below) therein extending along the length of said elongate jamb, and extending a depth distance from at or adjacent an inner surface of said jamb face plate to an elongate opening of the cavity extending between said first and second distal edges of said inner and outer flanges;

(b) a plurality of spaced apart spacing blocks (H, below), said spacing blocks extending from first proximal surfaces of said spacing blocks at the inner surface of said jamb face plate, to second outer surfaces of said spacing blocks displaced toward the elongate opening a distance less than the depth distance of the cavity, the second outer surfaces of said spacing of said spacing blocks thus being intermediate the inner surface of said jamb face plate and the elongate opening of the cavity (Fig.2; below); and

(c) as a separate and distinct element, at least one elongate reinforcing insert (I, below) received from the second outer surfaces of said spacing blocks, in the cavity, to the elongate cavity opening.

Claim 2:

Noach discloses a jamb assembly as in claim 1 wherein said elongate reinforcing insert is drawn tight against said spacing blocks, and said spacing blocks are drawn tight against said jamb face plate (screws and nails, 5,6, Fig.2).

Claim 3:

Noach discloses a jamb assembly of claim 1 wherein said outer surfaces of said spacing blocks face away from said inner surface of said jamb plate and said elongate insert interfaces either directly or indirectly with said elongate jamb at at least three spatially-displaced locations (numbers 1-4 below) along substantially all of the common lengths of said insert and said jamb.

Claim 4:

Noach discloses a jamb assembly as in claim 3 wherein a depth of said elongate insert located between a first portion of said inner flange and a first portion of said outer flange extends a distance "D" generally aligned with said inner and outer flanges, thereby filling a substantial portion of said elongate cavity between said outer surfaces of said spacing blocks and the elongate opening (Fig.2, the insert substantially fills the insert).

Claim 5:

Noach discloses a jamb assembly as in claim 1 wherein said at least one elongate insert extends generally the full length of said jamb, the full depth of the cavity between the elongate opening and said spacing blocks, and the width of the cavity between flange ends of said inner and outer flanges (Figs. 1 and 2).

Claim 6:

Noach discloses a jamb assembly as in claim 4 including a void space (J, below) in the said elongate cavity between said insert at a said flange end and a more inwardly-disposed or outwardly-disposed second portion of a respective one of said inner flange and said outer flange.

Claim 7:

Noach discloses a jamb assembly as in claim 5 including a void space (J, below) in the said elongate cavity between said insert at a said flange end and a more inwardly-disposed or outwardly-disposed second portion of a respective one of said inner flange and said outer flange.

Claim 13:

Noach discloses a jamb assembly as in claim 1 wherein said elongate jamb has a plurality of apertures (7, Fig.2) formed through said face plate and each of said spacing blocks has at least one hole formed therein (Column 1, lines 65-68), and a draw

fastener (6, Fig.2) is disposed through at least one of said apertures and a corresponding hole, said draw fastener holding said corresponding spacing block and said elongate insert drawn toward said jamb face plate.

Claims 24-28 and 31:

Noach discloses a door assembly comprising a hinge jamb assembly(left jamb, Fig.1), a strike jamb assembly (right jamb, Fig.1), and a header jamb assembly (header, Fig.1), at least one of said hinge jamb assembly and said strike jamb assembly comprising a jamb assembly as in claims 1-5 and 13 (see rejections above).

Claims 35-38 and 40:

Noach discloses a building comprising a doorway (Column 1, lines, 8-10), and a door assembly in said doorway (Fig.1), said door assembly comprising a door assembly as in claims 24-26, 28, and 31 (see rejections above).

Claim 54 is rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0068211 A1 to Bailey.

Claim 54:

Bailey discloses fastener comprising:

(a) a fastener body (60, Fig.3), said fastener body having a first set of threads (61, Fig.3) having a first thread configuration extending from a first end of said fastener

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body, and a second set of threads (62, Fig.3) having a second different thread configuration extending from a second opposing end of said fastener body; and

(b) a fastener head (40, Fig.3) having a first end and a second end (bottom and top of 40, Fig.3), said fastener head comprising a bore (44, Fig.3) extending from the first end (bottom of 40, Fig.3) of said fastener head toward the second end (top of 40, Fig.3) of said fastener head and terminating at a dead end of said bore (bottom of set screw, Fig.3), said bore comprising inner threads (Page 3, Paragraph [0028]) corresponding to the second thread configuration, such that said fastener head can be threaded onto said fastener body, and in cooperation with said dead end of said bore, said fastener head can be used to drive said fastener, and to accordingly fasten said fastener to a substrate, and wherein, once said fastener body is driven into such a substrate using said fastener head as a driving tool, said fastener head is ineffective to remove said fastener body from such substrate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, 12, 14, 30, 32, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,793,109 to Noach.

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Claim 8:

Noach discloses a jamb assembly as in claim 1, Noach does not directly disclose at least three spacing blocks disposed inside the cavity but Noach does disclose the number of spacers varies and that it is appreciated that a skilled workman has to determine the number of spacers required in the jamb assembly (Column 2, lines 7-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included as many spacers as necessary in order to provide a elongate jamb that is level and plumb along the length of the elongate jamb, the spacers will ensure the elongate jamb fits snugly with the door opening.

Claim 9:

Noach discloses a jamb assembly as in claim 8 said plurality of spaced apart spacing blocks collectively providing a mounting surface (outer surface of the spacing blocks are flush with the insert, Fig.2) which receives a corresponding surface of said elongate insert and each of said spacing blocks contacts said inner surface of said jamb plate.

Claim 10:

Noach discloses a jamb assembly as in claim 8 wherein said spacing blocks are spaced from each other along the length of said jamb.

The spacing blocks are used along the length of the jamb to ensure the elongate jamb is plumb and level inside of the door opening.

Claim 12:

Noach discloses a jamb assembly as in claim 8 wherein said spacing blocks collectively provide a generally planar mounting surface which receives a corresponding surface of said insert (the surface of the spacing blocks are smooth and planar, Fig.2).

Claim 14:

Noach discloses a jamb assembly as in claim 8, further comprising a draw fastener (6, Fig.2) which holds said insert drawn toward said jamb face plate.

Claims 30 and 32:

Noach discloses a door assembly comprising a hinge jamb assembly (left jamb, Fig.1), a strike jamb assembly (right jamb, Fig.1), and a header jamb assembly (header, Fig.1), at least one of said hinge jamb assembly and said strike jamb assembly comprising a jamb assembly as in claims 12 and 14 (see rejection above).

Claim 39:

Noach discloses a building comprising a doorway (Column 1, lines 8-10), and a door assembly (Fig.1) in said doorway, said door assembly comprising a door assembly as in claim 30 (see rejection above).

Claims 11, 16-19, 29, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,793,109 to Noach in view of US 5,619,823 to Ruff et al.

Claim 11:

Noach discloses a jamb assembly as in claim 1, but does not disclose wherein a single reinforcement plate is positioned between ones of said spacing blocks.

Ruff et al. discloses wherein a single reinforcement plate (30) is positioned in a jamb assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the elongate jamb of Noach with reinforcement plates inside of the jamb cavity. The reinforcement plates will occupy the open space of the elongate jamb of Noach taught by Ruff et al. and the plate will strengthen the elongate jamb preventing bending and warping.

Claim 16:

Noach discloses a jamb assembly as in claim 8 but does not disclose door interface hardware.

Ruff et al. discloses in the elongate cavity, one or more elements of door interface hardware permanently mounted to said jamb (44,46,59, Figs. 1,4,6), said door interface hardware having first thicknesses thereof extending away from said jamb face plate and toward the elongate opening, the outer surface of said spacing blocks

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collectively providing a mounting surface disposed generally between the elongate opening and said door interface hardware.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided door interface hardware in the cavity of the elongate jamb of Noach in order to secure hinges, strike plates, etc. to the jamb assembly. The hardware taught by Ruff et al. would have been notoriously obvious to add to the door jamb in order to be able to mount a door in the door opening.

Claim 17:

Noach in view of Ruff et al. disclose a jamb assembly as in claim 16, Noach also discloses a draw fastener (6, Fig.2) which draws said insert tight against said jamb face plate.

Claim 18:

Noach in view of Ruff et al. disclose a jamb assembly as in claim 16, Ruff et al. also discloses wherein said door interface hardware interrupts a de minimis portion of, and thereby extends though a de minimis are of, an imaginary plane defining a mounting surface.

It would have been obvious to have installed hardware, depending on the type, size, and use of the hardware, which would interrupt a small portion of the mounting surface inside of the elongate jamb cavity.

Claim 19:

Noach in view of Ruff et al. disclose a jamb assembly as in claim 16, Ruff et al. also discloses wherein a projected area of said jamb is defined from the direction of the elongate opening, said jamb assembly further comprising, in the elongate cavity, one or more elements of door interface hardware permanently mounted to said jamb (100, Fig.5), said spacing blocks and said door interface hardware occupying different portions of the projected area of said jamb.

The reinforcement plates and door interface hardware will occupy the spaces in between the spacers of Noach just as Ruff et al. shows the hardware spaced throughout the elongate jamb member.

Claims 29 and 34:

Noach in view of Ruff et al. discloses a door assembly comprising a hinge jamb assembly (left jamb, Fig.1), a strike jamb assembly (right jamb, Fig.1), and a header jamb assembly (header, Fig.1, at least one of said hinge jamb assembly and said strike jamb assembly comprising a jamb assembly as in claims 11 and 22 (see rejections above).

Claims 15, 20-23, 33, 41, and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,793,109 to Noach in view of US 3,345,780 to McGhee.

Claim 15:

Noach discloses a jamb assembly as in claim 13, but does not disclose a draw fastener passes completely through said spacing block and said elongate insert.

McGhee discloses a draw fastener (38, Fig.3) passes completely through a said spacing block (34) and completely through said elongate insert (insert between block and stud) and into a stud (42) which abuts said elongate jamb.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a draw fastener in the elongate jamb of Noach that is able to extend through the spacers, inserts, and stud members of the surrounding door opening as taught by McGhee. Using one fastener to connect the spacers, insert, and stud will eliminate additional materials used to assemble the jamb as well as reduce the time and work needed to install the elongate jamb of Noach.

Claims 20-23:

Noach discloses a jamb assembly as in claim 8, and also discloses the elongate insert being friction fitted between the inner and outer flange (the insert is in contact with the flange members, Fig.2), Noach does not disclose the spacing blocks extend from said inner flange to said outer flange and are friction fitted between the inner and outer flanges.

McGhee discloses the spacing blocks extend from the inner flange to the outer flange and are friction fitted between the inner and outer flanges (34, Fig.3; the spacing blocks touch the flange members therefore they are friction fitted in the elongate jamb).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the spacing blocks and the insert of Noach to extend from one flange to the other flange and be friction fitted between the flanges. The friction fit will ensure the spacing blocks and insert stay in place during installation and will also add structural integrity to the overall elongate jamb assembly.

Claim 33:

Noach in view of McGhee discloses a door assembly comprising a hinge jamb assembly (left jamb, Fig.1), a strike jamb assembly (right jamb, Fig.1), and a header jamb assembly (header, Fig.1), at least one of said hinge jamb assembly and said strike jamb assembly comprising a jamb assembly as in claim 15 (see rejection above).

Claim 41:

Noach in view of McGhee discloses a building comprising a doorway (Column 1, lines 8-10), and a door assembly (Fig.1) in said doorway, said door assembly comprising a door assembly as in claim 30 (see rejection above).

Claim 46:

Noach discloses a building doorway, and a door assembly mounted in said doorway,

(a) said door assembly comprising a plurality of jamb assemblies (Fig.1), each comprising an elongate jamb having a length (Fig.1), and comprising an inner flange (A,

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above), an outer flange (D, above) , and a jamb face plate (G, above), and an elongate cavity therein (cavity between the flanges, above), the elongate cavity extending along the length of a given said elongate jamb (Fig.1), the elongate cavity extending a depth distance between said inner and outer flanges and extending outwardly a depth distance from at or adjacent an inner surface of said jamb face plate to an elongate opening extending between said inner and outer flanges (above);

(b) the elongate cavity comprising a plurality of spaced apart spacing blocks (H, above), said spacing blocks extending from first proximal surfaces of said spacing blocks at the inner surface of said jamb face plate, to second outer surfaces of said spacing blocks displaced toward the elongate opening a distance less than the depth distance of the cavity (above), the second outer surfaces of said spacing blocks this being intermediate the inner surface of said jamb face plate and the elongate opening of the cavity;

(c) at least one said elongate jamb assembly further comprising, as a separate and distinct element, at least one elongate reinforcing insert (I, above) received in the elongate cavity and extending from the second outer surfaces of the respective said spacing blocks inside the cavity to the elongate cavity opening, said reinforcing elongate insert being drawn tight against said spacing blocks (screws 6, Fig.2), and said spacing blocks being drawn tight against said jamb face plate (screws and nails, 5,6, Fig.2).

Noach does not disclose a rough opening defined by framing members or the rough opening being defined by a single thickness of structural member in facing relationship with at least one elongate jamb.

McGhee discloses a rough opening defined by a single thickness of structural member in facing relationship with at least one elongate jamb.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have installed the elongate jamb of Noach in a rough opening defined by framing members with only one stud. The elongate jamb of Noach has enough structure strength to be mounted to a frame with only one stud and therefore will eliminate costs of the door assembly, save assembly time, and require less work installing the door assembly.

Claim 47:

Noach in view of McGhee discloses a building comprising a doorway as in claim 46 (see rejection above).

Claims 48-50:

Noach in view of McGhee disclose a building doorway as in claim 46, Noach also discloses the structure recited in claim 48 (see rejection of claim 3), claim 49 (see rejection of claims 4-5), claim 50 (see rejection of claim 9).

Claims 42-45 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,793,109 to Noach in view of US 3,345,780 to McGhee in view of US 2003/068211 A1 to Bailey.

Claims 42-45:

Noach discloses a building comprising a doorway, and a door assembly in said doorway, said door assembly comprising a door assembly as in claims 35, 38, 40, and 41, but does not disclose a fastener with a detachable head mounting the door assembly in said doorway, passing into a stud aligned adjacent to said elongate jamb.

McGhee discloses mounting a door assembly in said doorway with a fastener passing into a stud (Fig.3).

Bailey discloses a fastener having a threaded fastener body (60, Fig.3) and a detachable head (40, Fig.3), said fastener head having a first end (bottom of 40, Fig.3) and a second end (top of 40, Fig.3), said fastener head comprising a bore (44, Fig.3) extending from the first end (bottom of 40, Fig.3) of said fastener head toward the second end, and terminating at a dead end (bottom surface of set screw, 30, Fig.3) of the bore, said bore comprising inner threads (Page 3, Paragraph [0028]) corresponding to outer threads on said fastener body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a fastener with a detachable head to mount the door assembly of Noach into a door opening formed of studs. The detachable head prevents the door assembly from being disassembled and increases the security of the door opening. The detachable head also increases the aesthetics of the door assembly since it eliminates visible fastener heads.

Claim 53:

Noach in view of McGhee discloses a building doorway, and a door assembly in said doorway as in claim 46, Richards et al. disclose at least one elongate jamb being secured to said building framing members which define the rough opening by at least one fastener, but does not disclose a fastener with a detachable head mounting the door assembly in said doorway, passing into a stud aligned adjacent to said elongate jamb.

Bailey discloses a fastener having a threaded fastener body (60, Fig.3) and a detachable head (40, Fig.3), said fastener head having a first end (bottom of 40, Fig.3) and a second end (top of 40, Fig.3), said fastener head comprising a bore (44, Fig.3) extending from the first end of said fastener head toward the second end, and terminating at a dead end (bottom of set screw 30, Fig.3) of the bore, said bore comprising inner threads corresponding to outer threads on said fastener body (Page 3, Paragraph [0028]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a fastener with a detachable head to mount the door assembly of Noach into a door opening formed of studs. The detachable head prevents the door assembly from being disassembled and increases the security of the door opening. The detachable head also increases the aesthetics of the door assembly since it eliminates visible fastener heads.

Claims 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,793,109 to Noach in view of US 3,345,780 to McGhee in view of US 5,619,823 to Ruff et al.

Claims 51-52:

Noach in view of McGhee discloses a building doorway as in claim 46, but do not claim one or more reinforcement plates mounted in the elongate cavity.

Ruff et al. discloses one or more reinforcement plates permanently mounted to said jamb (see rejection of claims 11, 16, and 18).

Response to Arguments

Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 54, the fastener of Bailey shows a set screw as part of the head of the fastener therefore creating a dead end to the bore of the fastener head.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. KWIECINSKI whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK

/Ryan D Kwiecinski/
Examiner, Art Unit 3635

/Robert J Canfield/
Supervisory Patent Examiner, Art Unit 3635

